

MT LEGISLATIVE HISTORY

Chapter 366 19 25

Bill H _____ S 334

Original bill & hist. ☒ C

H. Committee on State Administration

S. Committee on State Administration

Hearing Date(s) Mar 08 ☒ C

Hearing Date(s) Feb 24 ☒ C

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Feb 25 ☒ C

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Date Out Mar 08 ☒ C

Feb 25 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

1 *Senate* BILL NO. *334*
 2 INTRODUCED BY *Demble* *Regent of University of*
 3 *Nealy*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 5 UPDATE LAWS RELATING TO PROFESSIONAL ENGINEERS AND LAND
 6 SURVEYORS; AMENDING SECTION 82A-1602.11, R.C.M. 1947;
 7 RENUMBERING SECTIONS 66-2329, 66-2331, 66-2332, 66-2333,
 8 66-2334, 66-2335, 66-2337, 66-2340, 66-2344, 66-2346, R.C.M.
 9 1947; AND REPEALING SECTIONS 66-2326, 66-2336, 66-2338,
 10 66-2339, 66-2342, 66-2343, 66-2345, and 66-2347, R.C.M. 1947."
 11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 82A-1602.11, R.C.M. 1947, is
 14 amended to read as follows:

15 "82A-1602.11. Board of professional engineers and land
 16 surveyors -- appointment -- qualifications -- removal --
 17 term. (1) There is a board of professional engineers and
 18 land surveyors.

19 (2) The board consists of seven (7) members appointed
 20 by the governor. The members are:

21 (a) Five (5) professional engineers who have been
 22 engaged in the practice of engineering for at least twelve
 23 (12) years, and who have been in responsible charge of
 24 engineering teaching or important engineering work for at
 25 least five (5) years, ~~or responsible charge of engineering~~

1 teaching and registered in Montana for at least five (5)
 2 years. No more than two (2) of these members may be from
 3 the same branch of engineering.

4 (b) Two (2) registered and practicing land surveyors
 5 who have been engaged in the practice of land surveying for
 6 at least twelve (12) years, and who have been in responsible
 7 charge of land surveying or important land surveying work
 8 for at least five (5) years, and registered in Montana for
 9 at least five (5) years.

10 (3) Each member shall be a citizen of the United
 11 States, and a resident of this state. ~~Each--newly--appointed~~
 12 ~~member--shall--have--qualifications--similar--to--the--member--whose~~
 13 ~~term--has--expired.~~ A member ~~may not serve more than, after~~
 14 serving two (2) consecutive terms shall not be reappointed
 15 for a period of two (2) years.

16 (4) Each member shall serve for a term of five (5)
 17 years. The governor may remove a member for misconduct,
 18 incompetency, neglect of duty, or for any other sufficient
 19 cause."

20 Section 2. There is a new R.C.M. section numbered
 21 66-2350 that reads as follows:

22 66-2350. Definitions. As used in this act:

23 (1) "Professional engineer" means a person who, by
 24 reason of his special knowledge and use of the mathematical,
 25 physical, and engineering sciences, and the principles and

1 methods of engineering analysis and design, acquired by
2 engineering education and engineering experience, is
3 qualified to practice engineering, and who has been duly
4 registered and licensed as a professional engineer by the
5 board.

6 (2) "Engineer-in-training" means a person who complies
7 with the requirements for education, experience, and
8 character, and has passed an examination in the fundamental
9 engineering subjects, as provided in this act.

10 (3) "Practice of engineering" means any service or
11 creative work, as consultation, investigation, evaluation,
12 and planning and design of engineering works requiring
13 knowledge of the mathematical, physical, and engineering
14 sciences. This service or work, either public or private,
15 includes: (a) engineering performed in connection with
16 city, county, regional, and state planning and planning for
17 land and water use; (b) teaching of engineering subjects;
18 (c) engineering surveys and inspection of construction
19 for the purpose of assuring compliance with drawings and
20 specifications; (d) design of work systems, projects,
21 utilities, structures, buildings, machines, equipment
22 processes, and industrial or consumer products or equipment
23 of a mechanical, electrical, hydraulic, pneumatic, or
24 thermal nature; and including other professional services
25 necessary to the planning, progress, and completion of any

1 engineering services.

2 (4) "Land surveyor" means a person who (a) has been
3 duly registered and licensed as a land surveyor by the board
4 and (b) is a professional specialist in the technique of
5 measuring land, educated in the basic principles of
6 mathematics, related physical and applied sciences, and
7 relevant requirements of law for adequate evidence and all
8 requisite to the surveying of real property and engaged in
9 the practice of land surveying as herein defined.

10 (5) "Land surveyor-in-training" means a person who has
11 qualified for, taken, and passed an examination on the basic
12 disciplines of land surveying as provided in this act.

13 (6) "Practice of land surveying" means any service or
14 work, the adequate performance of which requires the
15 application of knowledge of the principles of mathematics,
16 physical sciences, applied sciences and (a) the principles
17 of property boundary law to the recovery and preservation of
18 evidence pertaining to earlier land surveys; (b) teaching of
19 land surveying subjects; (c) measurement and allocation of
20 lines, angles, and elevations; (d) location of natural and
21 man-made features in the air, on the surface of the earth,
22 within underground workings, and on the beds of bodies of
23 water, including such work for the determination of areas
24 and volumes; (e) monumenting of property boundaries; (f)
25 platting and layout of lands and the subdivisions thereof,

1 including the alignment and grades of streets and roads
2 therein; and (g) preparation and perpetuation of maps,
3 plats, field note records, and property descriptions.

4 (7) "Board" means the board of professional engineers
5 and land surveyors.

6 (8) "Department" means the department of professional
7 and occupational licensing.

8 (9) "Responsible charge" means direct control and
9 personal supervision, either of engineering work or of land
10 surveying, as the case may be. Only professional engineers
11 or land surveyors may legally assume responsible charge
12 under this act.

13 Section 3. Section 66-2329 is renumbered 66-2351,
14 section 66-2331 is renumbered 66-2352, section 66-2332 is
15 renumbered 66-2353, section 66-2333 is renumbered 66-2354,
16 and section 66-2334 is renumbered 66-2355.

17 Section 4. Section 66-2335, R.C.M. 1947, is
18 renumbered 66-2356, and is amended to read as follows:

19 "~~66-2335~~ 66-2356. Roster. A roster showing the names
20 and ~~places-of-business~~ addresses of registered professional
21 engineers and registered land surveyors shall be published
22 by the department during the month of April each year.
23 Copies of this roster shall be mailed to each person
24 registered, placed on file with the secretary of state, the
25 clerk of each incorporated city and town and in the office

1 of each county clerk and recorder within the state, and
2 furnished to the public on request."

3 Section 5. There is a new R.C.M. section numbered
4 66-2357 that reads as follows:

5 66-2357. Requirements for registration. The
6 requirements for engineering and land surveying registration
7 are:

8 (1) Engineering. To be eligible for admission to
9 examination for professional engineer or
10 engineer-in-training, an applicant must be of good character
11 and reputation and submit five (5) references with his
12 application for registration as a professional engineer,
13 three (3) references shall be professional engineers with
14 personal knowledge of his engineering experience, or in the
15 case of an application for certification as an
16 engineer-in-training, by three (3) character references.

17 The following is considered minimum evidence
18 satisfactory to the board that the applicant is qualified
19 for registration as a professional engineer, or for
20 certification as an engineer-in-training respectively.

21 (a) As a professional engineer:

22 (i) Registration by endorsement. A person holding a
23 certificate of registration to engage in the practice of
24 engineering, issued to him by a proper authority of a state,
25 territory, or possession of the United States, the District

1 of Columbia, or any foreign country, based on requirements
2 that do not conflict with the provision of the act and were
3 of a standard not lower than that specified in the
4 applicable registration act in effect in this state at the
5 time the certificate was issued, may, upon application, be
6 registered without further examination.

7 A person holding a certificate of qualification issued
8 by the committee on national engineering certification of
9 the national council of engineering examiners, whose
10 qualifications meet the requirements of this act, may upon
11 application, be registered without further examination.

12 (ii) Engineering -- graduation -- experience --
13 examination. A graduate of an engineering curriculum of
14 four (4) years or more approved by the board as being of
15 satisfactory standing, and with a specific record of an
16 additional four (4) years or more of progressive experience
17 on engineering projects of a grade and character which
18 indicates to the board that the applicant may be competent
19 to practice engineering, shall be admitted to an eight-hour
20 written examination in the fundamentals of engineering, and
21 an eight-hour written examination in the principles and
22 practices of engineering. Upon passing such examinations,
23 the applicant shall be granted a certificate of registration
24 to practice engineering in this state, provided he is
25 otherwise qualified.

1 (iii) Engineering-related graduation -- experience --
2 examination. A graduate of an engineering or related
3 science curriculum of four (4) years or more, other than the
4 ones approved by the board as being of satisfactory standing
5 and with a specific record of eight (8) years or more of
6 progressive experience on engineering projects of a grade
7 and character which indicates to the board that the
8 applicant may be competent to practice engineering, may be
9 admitted to an eight-hour written examination in the
10 fundamentals of engineering, and an eight-hour written
11 examination in the principles and practices of engineering.
12 Upon passing such examinations, the applicant shall be
13 granted a certificate of registration to practice
14 engineering in this state, provided he is otherwise
15 qualified.

16 (iv) Long established practice. A graduate of an
17 engineering or related science curriculum of four (4) years
18 or more, with a specific record of twenty (20) years or more
19 of progressive experience on engineering projects of which
20 at least ten (10) years have been in charge of important
21 engineering projects, and of a grade and character which
22 indicates to the board that the applicant may be competent
23 to practice engineering, shall be admitted to an eight-hour
24 written examination in the principles and practices of
25 engineering. Upon passing such examination, the applicant

1 shall be granted a certificate of registration to practice
2 engineering in this state, provided he is otherwise
3 qualified.

4 (v) Temporary qualifications. A specific record of
5 eight (8) years or more experience in engineering work of a
6 character satisfactory to the board, and successfully
7 passing a written or written and oral examination designated
8 to show that the applicant is competent to practice
9 engineering. This requirement will automatically expire
10 four (4) years from the effective date of this act.

11 (vi) Engineering teaching in a college or university
12 offering an approved engineering curriculum of four (4)
13 years or more, may be considered as engineering experience
14 in these requirements provided research, product
15 development, or consulting has been a concurrent activity.

16 (b) As an engineer-in-training. The following shall
17 be considered as minimum evidence that the applicant is
18 qualified for certification as an engineer-in-training:

19 (i) Graduation and examination. A graduate of an
20 engineering curriculum of four (4) years or more, approved
21 by the board as being of satisfactory standing, shall be
22 admitted to an eight-hour written examination in the
23 fundamentals of engineering. Upon passing such examination,
24 the applicant shall be certified or enrolled as an
25 engineer-in-training if he is otherwise qualified.

1 (ii) Graduation -- experience -- examination. A
2 graduate of an engineering or related science curriculum of
3 four (4) years or more, other than the ones approved by the
4 board as being satisfactory standing, and with a specific
5 record of four (4) or more years of progressive experience
6 on engineering projects of a grade and character,
7 satisfactory to the board, shall be admitted to an
8 eight-hour written examination in the fundamentals of
9 engineering. Upon passing such examination, the applicant
10 shall be certified or enrolled as an engineer-in-training,
11 if he is otherwise qualified.

12 (2) Land surveying. To be eligible for admission to
13 examination for land surveyor or land surveyor-in-training,
14 an applicant must be of good character and reputation and
15 shall submit five (5) references with his application for
16 registration as a land surveyor, three (3) of which
17 references shall be registered land surveyors having
18 personal knowledge of his land surveying experience; or in
19 the case of an application for certification as a land
20 surveyor-in-training, by three (3) references, one of whom
21 shall be a registered land surveyor having personal
22 knowledge of the applicant's land surveying experience.

23 The evaluation of a land surveyor applicant's
24 qualifications involves a consideration of his education,
25 technical, and land surveying experience, exhibits of land

1 surveying projects of which he has been in charge,
2 recommendations by references, and a reviewing of these
3 categories. An interview may be held at the board's
4 discretion. Educational credit for institute courses,
5 correspondence courses, etc., shall be determined by the
6 board.

7 One of the following shall be considered as minimum
8 evidence to the board that the applicant is qualified for
9 registration as a land surveyor, or for certification as a
10 land surveyor-in-training, respectively.

11 (a) As a land surveyor:

12 (i) Graduation -- experience -- examination. Have a
13 bachelor of science degree in an approved curriculum and
14 present evidence satisfactory to the board that, in addition
15 thereto, he has had at least four (4) years of combined
16 office and field experience in land surveying with a minimum
17 of three (3) years of experience in charge of land surveying
18 projects under the supervision of a registered land surveyor
19 and who has passed the examinations as required by the
20 board.

21 (ii) Formal education -- experience -- examination.
22 Two (2) years of formal education in an approved curriculum
23 above high school level with at least ninety (90) quarter
24 credit hours passed, or equivalent semester hours, or the
25 equivalent approved by the board, and present evidence

1 satisfactory to the board that in addition thereto, he has
2 had at least six (6) years of combined office and field
3 experience in land surveying with a minimum of four (4)
4 years of experience in charge of land surveying projects
5 under the supervision of a registered land surveyor and who
6 has passed the examinations as required by the board.

7 (iii) Registration by comity or endorsement. A person
8 holding a certificate of registration to engage in the
9 practice of land surveying issued or comparable
10 qualifications from a state, territory, or possession of the
11 United States, will be given comity consideration. However,
12 he may be asked to take such examinations as the board deems
13 necessary to determine his qualifications, but in any event,
14 he shall be required to pass a written examination of not
15 less than eight-hours duration, which shall include
16 questions on laws, procedures, and practices pertaining to
17 the practice of land surveying in this state.

18 (iv) Temporary qualifications. A specific record of
19 six (6) years or more experience in land surveying work of a
20 character satisfactory to the board and indicating that the
21 applicant is competent to practice land surveying, and
22 successfully passing a written, or written and oral
23 examination in land surveying prescribed by the board. This
24 requirement will automatically expire two (2) years from the
25 effective date of this act.

1 (b) As a land surveyor-in-training:

2 (i) Graduation -- experience -- examination. Have a
3 bachelor of science degree in an approved curriculum and
4 present evidence satisfactory to the board that he has had,
5 in addition thereto, at least two (2) years of combined
6 office and field experience in land surveying with a minimum
7 of one (1) year in charge of land surveying projects under
8 the supervision of a land surveyor, and who has passed the
9 written examinations required by the board.

10 (ii) Formal education -- experience -- examination.
11 Have at least two (2) years of formal education in an
12 approved curriculum above high school level with at least
13 ninety (90) quarter credit hours passed, or equivalent
14 semester hours or the equivalent approved by the board, and
15 present evidence satisfactory to the board that in addition
16 thereto, he has had at least four (4) years of combined
17 office and field experience in land surveying with a minimum
18 of two (2) years in charge of land surveying projects under
19 the supervision of a land surveyor, and who has passed the
20 written examinations required by the board.

21 Section 6. Section 66-2337 is renumbered 66-2358.

22 Section 7. There is a new R.C.M. section numbered
23 66-2359 that reads as follows:

24 66-2359. Examinations. Examination requirements are
25 as follows:

1 (1) The examinations shall be held at times and places
2 as the board directs. The board shall determine the
3 acceptable grade on examinations.

4 (2) Written examinations may be taken only after the
5 applicant has met the other minimum requirements as given in
6 section 66-2357 and has been approved by the board for
7 admission to the examinations as follows:

8 (a) Engineering fundamentals. Consists of an
9 eight-hour examination on the fundamentals of engineering.
10 Passing the examination qualifies the examinee for an
11 engineer-in-training certificate, provided he has met all
12 other requirements for certification required by this act.

13 (b) Principles -- practice of engineering. Consists
14 of an eight-hour examination on applied engineering.
15 Passing this examination qualifies the examinee for
16 registration as a professional engineer, provided he has met
17 the other requirements for registration required by this
18 act.

19 (c) Land surveyor-in-training. Consists of two (2)
20 four-hour examinations designated as parts I and II, on the
21 basic disciplines of land surveying. Passing these
22 examinations qualifies the examinee for a land
23 surveyor-in-training certificate, provided he has met all
24 other requirements for certificates required by this act.

25 (d) Land surveyor. Consists of being a land

1 surveyor-in-training and of two (2) four-hour examinations
 2 designated as parts III and IV, on the applied disciplines
 3 of land surveying. Passing these examinations qualifies the
 4 examinee for registration as a land surveyor, provided he
 5 has met the other requirements for registration required by
 6 this act.

7 (3) A candidate failing one examination may apply for
 8 reexamination, which may be granted upon payment of a fee
 9 established by the board. Before readmission to the
 10 examination in the event of a second failure, the examinee
 11 must appear before the board with evidence of having
 12 acquired the necessary additional knowledge to qualify.

13 Section 8. There is a new R.C.M. section numbered
 14 66-2360 that reads as follows:

15 66-2360. Certificates of registration. (1) The
 16 department shall issue to any applicant, who, in the opinion
 17 of the board, has met the requirements of this act, a
 18 certificate of registration giving the registrant proper
 19 authority to practice his profession and to assume
 20 responsible charge of engineering or land surveying projects
 21 in this state. The certificate of registration for a
 22 professional engineer shall carry the designation
 23 "professional engineer", and for a land surveyor, "land
 24 surveyor". It shall give the full name of the registrant
 25 with his serial number and shall be signed by the chairman

1 and the secretary under the seal of the board.

2 (2) This certificate shall be prima facie evidence
 3 that the person named thereon is entitled to all rights,
 4 privileges, and responsibilities of a professional engineer
 5 or land surveyor, while the said certificate of registration
 6 remains unrevoked or unexpired.

7 (3) Each registrant hereunder may, upon registration,
 8 obtain a seal of a design authorized by the board, bearing
 9 the registrant's name, serial number, and the legend,
 10 "professional engineer" and/or "land surveyor". Plans,
 11 specifications, plats, and reports prepared by a registrant
 12 shall, when issued, be certified, signed, and stamped with
 13 the said seal or facsimile thereof. It shall be unlawful
 14 for a registrant to affix or permit his seal and signature
 15 or facsimile thereof to be affixed to any plans,
 16 specifications, plats, or reports after the expiration of a
 17 certificate or for the purpose of aiding or abetting any
 18 other person to evade or attempt to evade any provision of
 19 this act.

20 (4) The department shall issue to any applicant, who,
 21 in the opinion of the board, has met the requirements of
 22 this act, an enrollment card as engineer-in-training or land
 23 surveyor-in-training, which indicates that his name has been
 24 recorded as such in the board office. The
 25 engineer-in-training or land surveyor-in-training enrollment

1 card does not authorize the holder to practice as a
2 professional engineer or land surveyor.

3 Section 9. Section 66-2340 is renumbered 66-2361, and
4 section 66-2341 is renumbered 66-2362.

5 Section 10. There is a new R.C.M. section numbered
6 66-2363 that reads as follows:

7 66-2363. Public works. This state and its political
8 subdivisions such as counties, cities, towns, townships,
9 boroughs, or other political entities or legally constituted
10 boards, commissions, or authorities, or officials or
11 employees thereof shall not engage in the practice of
12 engineering or land surveying involving either public or
13 private property without the project being under the direct
14 charge and supervision of a professional engineer for
15 engineering projects, or land surveyor for all land
16 surveying projects, as provided for the practice of the
17 respective professions by this act.

18 This state and its political subdivisions such as
19 counties, cities, towns, townships, boroughs, or other
20 political entities or legally constituted boards,
21 commissions, or authorities, or officials or employees
22 thereof shall not accept plans and specifications for
23 facilities which will have public access or use for approval
24 unless they bear the seal of the professional engineer for
25 engineering projects or the land surveyor for land surveying

1 projects, as provided for the practice of the respective
2 professions by this act.

3 Section 11. Section 66-2344 is renumbered 66-2364.

4 Section 12. There is a new R.C.M. section numbered
5 66-2365 that reads as follows:

6 66-2365. Revocation of registration -- hearings --
7 reissuance of certificate. (1) The board may revoke,
8 reprimand, suspend, or refuse to renew the certificate of a
9 registrant found guilty of:

10 (a) Fraud or deceit in obtaining a certificate of
11 registration.

12 (b) Gross negligence, incompetency, or misconduct in
13 the practice of engineering or land surveying as a
14 registered professional engineer or land surveyor.

15 (c) A felony.

16 (d) Violation of rules for professional conduct for
17 professional engineers and land surveyors adopted by the
18 board.

19 (e) If a land surveyor, failure to comply with the
20 corner recordation act.

21 (2) Any person may make charges of fraud, deceit,
22 gross negligence, incompetency, or misconduct against a
23 registrant. The charges shall be made by affidavit, and
24 subscribed and sworn to by the person making them, and filed
25 with the department. Charges, unless dismissed by the board

as unfounded or trivial, shall be heard by the board within three (3) months after the date on which they were made.

(3) The board may require a registrant to take a written or oral examination, or both, in a proceeding to revoke, reprimand, suspend, or refuse to renew.

(4) If, after hearing, four (4) or more members of the board vote in favor of sustaining the charges, the board shall reprimand, suspend, refuse to renew, or revoke the certificate of registration of the registered professional engineer or land surveyor.

The board, for reasons it considers sufficient, may reissue a certificate of registration to a person whose certificate has been revoked if four (4) or more members of the board vote in favor of the reissuance. A new certificate of registration, to replace a certificate revoked, lost, destroyed, or mutilated, may be issued by the department, subject to the rules of the board.

Section 13. Section 66-2346 is renumbered 66-2366.

Section 14. There is a new R.C.M. section numbered 66-2367 that reads as follows:

66-2367. Exemption clause. The following are exempt from coverage under this act:

(1) The practice of any other legally recognized professions or trades.

(2) The mere execution of work by a contractor, as

distinguished from its planning or design or the supervision of the construction of work as a foreman or superintendant.

Section 15. There is a new R.C.M. section numbered 66-2368 that reads as follows:

66-2368. Issuance of temporary permits. Temporary permits are governed by the following:

(1) Professional engineer. The practice or offer to practice engineering by a person not a resident of or having no established place of business in this state, provided such person is legally qualified by registration to practice engineering in his own state or country, provided the requirements for registration in his home state or country are not less than those defined in this act. Such person shall make application to the board in writing. The application must be accompanied by a fee set by the board. Upon approval by the board, they may be granted a written permit for a definite period of time not to exceed one (1) year to do a specific job, provided, however, no right to practice engineering shall accrue to such applicant with respect to any other works not set forth in said permit.

(2) Land surveyor. The practice of land surveying under a temporary permit by a person registered as a land surveyor in another state is not considered to be in the best interests of the public and, therefore, shall not be granted.

(3) Employees and subordinates. The work of an employee or a subordinate of a person holding a certificate of registration under this act, or an employee of a person practicing lawfully under subsection (1) of this section; provided such work does not include final engineering or land surveying designs or decisions and is done under the direct supervision of a person holding a certificate of registration under this act or a person practicing lawfully under subsection (1) of this section.

(4) The practice of professional engineering by licensed architects where the practice is purely incidental to their practice of architecture.

(5) The practice of professional engineering or land surveying in this state by a firm, copartnership, corporation, or joint stock association or by its members, officers, or employees on its behalf, if each person personally supervising and in direct charge of all activities of the firm, copartnership, corporation, or joint stock association which constitutes the practice, is a professional engineer or land surveyor holding a certificate of registration under this act.

Section 16. There is a new R.C.M. section numbered 66-2369 that reads as follows:

66-2369. Construction of practical engineering and practice land surveying. (1) A person shall be construed to

practice or offer to practice engineering, within the meaning and intent of this act, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer or that he is registered under this act; or who holds himself out as able to perform, or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

(2) Any person shall be construed to practice or offer to practice land surveying within the meaning and intent of this act, who engages in land surveying or who by verbal claim, sign, letterhead, card, or in any other way represents himself to be a land surveyor, or through the use of some other title implies that he is a land surveyor, or who represents himself as able to perform, or who does perform any land surveying service or work, or any other service designated by the practitioner which is recognized as land surveying.

Section 17. Repealer. Sections 66-2326, 66-2336, 66-2338, 66-2339, 66-2342, 66-2343, 66-2345, and 66-2347, R.C.M. 1947, are repealed.

-End-

-22-

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 24, 1975

The twenty-fourth meeting of the Senate State Administration Committee was called to order by Chairman Mike Greely at 8:07 a.m. on Monday, February 24, 1975 in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL NO. 334: An act to generally revise and update laws relating to professional engineers and land surveyors.

Senator Dunkle, sponsor of the bill, stated that its purpose was to bring Montana law into compliance with National Model law. He presented some amendments for the committee's consideration. (See Exhibit A attached.)

Mr. Maurice E. Guay, Board of Professional Engineers and Land Surveyors, appeared as a proponent of Senate Bill 334. He stated that the bill would upgrade standards for licensing engineers and land surveyors, and that there has been a push for such revision for about two years now. The intent of the amendments is to clarify and take care of drafting omissions.

Mr. H. S. Hanson, Montana Technical Council, also appeared as a proponent of Senate Bill 334. There were no opponents to the bill.

CONSIDERATION OF SENATE BILL NO. 391: An act to create a state land use commission to designate areas of state concern; requiring governing bodies to plan for, and regulate development within those areas; authorizing the Department of Intergovernmental Relations to formulate planning and regulation procedures for such areas; and providing cities, towns, and counties with financial assistance to plan for and regulate such areas.

Senator Romney, sponsor of the bill, stated that this is the "Areas of State Concern Act" bill which mainly creates a State Land Use Commission.

Mr. Hal Price, Intergovernmental Relations, appeared as a proponent of Senate Bill 391. He stated that we need such a broad bill to deal with problems in areas of larger than local jurisdiction. He pointed out that House Bill 675 and Senate Bill 326 are similar types of legislation to this bill.

Mr. John Andrews, Intergovernmental Relations, also appeared as a proponent of Senate Bill 391. He testified that he had helped develop this bill, and that it emphasizes local level control. Localities must nominate and recommend areas of "state concern" before the state can enter the picture.

STANDING COMMITTEE REPORT

Exhibit A
2-24-75

Dunklee

Mr. _____

We, your committee on _____
having had under consideration SENATE Bill No. 334
respectfully report as follows. SENATE Bill No. 334,
introduced bill, be amended as follows:

1. Amend the title, page 1, line 7.
Following: "SECTIONS"
Insert: "66-2324"
2. Amend page 5, Section 3, line 13.
Following: "3" *Section 3 section*
~~Strike: "Section"~~
Insert: "Section 66-2324 is renumbered 66-2349, section"
3. Amend page 15, Section 8, line 15.
Following: "registration"
Insert: "--seal"
4. Amend page 17, Section 9, lines 3 and 4. *through*
Following: "66-2361"
Strike: ", and section 66-2341 is renumbered 66-2362"
5. Amend page 17, following line 4.
Insert: "Section 10. Section 66-2341 is renumbered 66-2362 and is amended to read as follows:
"66-2341 66-2362. Persons presently registered as civil professional engineer and/or land surveyor. No person who heretofore has been duly registered as a civil professional engineer and/or land surveyor under the laws of Montana and whose registration has not been revoked shall be required to register again under this act and his former registration shall be fully recognized under the provisions of this act. All certificates including those for engineer-in-training heretofore issued and not revoked shall have the same force and effect as if they had been issued under the provisions of this act, and shall be subject to the same rules, terms and conditions as are the certificates provided for in this act."

Renumber; All subsequent sections.

6. Amend page 20, Section 14, following line 2. *(12, 13)*
Insert: "(3) Employees and subordinates. The work of an employee or a subordinate of a person holding a certificate of registration under this act, or an employee of a person practicing lawfully under this act;
provided such work does not include final engineering or land surveying designs or decisions and is done under the direct supervision of a person holding a certificate of registration under this act or a person practicing lawfully under this act."

(4) The practice of professional engineering by licensed architects where the practice is purely incidental to their practice of architecture.

(5) The practice of professional engineering or land surveying in this state by a firm, copartnership, corporation, or joint stock association or by its members, officers, or employees on its behalf, if each person personally supervising and in direct charge of all activities of the firm, copartnership, corporation, or joint stock association which constitutes the practice, is a professional engineer or land surveyor holding a certificate of registration under this act."

7. Amend page 21, Section 15, lines 1 through 21.

Strike: *2* In their entirety.

3 4 5

8. Amend page 21, Section 16, line 24.

Strike: "Construction"

Insert: "Interpretation"

- Following*
66-2369.
9. Amend page 21, Section 16, line 24.

Strike: "practical"

Insert: "practice of"

- Following*
107
10. Amend page 21, Section 16, line 25

Following: "practice"

Insert: "of"

ROLL CALL

STATE ADMINISTRATION COMMITTEE

44th LEGISLATIVE SESSION - 1975

Date 2-24-75

NAME	PRESENT	ABSENT	EXCUSED
Senator Mike GREELY, Ch.	X		
Senator Terry MURPHY	X		
Senator John W. DEVINE	X		
Senator Greg JERGESON	X		
Senator Ann SEIBEL	X		
Senator Antoinette ROSELL	X		
Senator George F. ROSKIE	X		
Senator Peter STORY	X		

Feb. 24, 1925

State Administration BILL NO. SB 334, 341

Confirmation of Lloyd

VISITOR'S REGISTER

VISITOR'S REGISTER		Check One	
NAME	REPRESENTING	BILL NO	Support Oppose
U.S. Hanson	Mont. Tech. Council	SB 334	✓
Sam Wagner	Mont. Labor C. Bd.	SB 334	✓
MAURICE E. Gray	Board of Prof. Empl. S.	SB 334	✓
Paul L. Smith	Mont. Bar	SB 334	✓
A. T. Kersich	Board of Regs. for Eng.	"	✓
William Tange	Board of Registration Empl. L.S.	"	✓
John Sargent	Rancher F.T.C.	SB 334	✓
Hal Arin	I.G.R.	SB 334	✓
John R. ...	E.O.C.	"	
Paul E. Grand	"	"	
Joe Witty	Flathead C.S.C.	SB 334	✓
Glenn ...	Flathead C.S.C. (4H)	SB 334	
John ...	Flathead C.S.C. 4H	SB 334	✓
Norman ...	Hog ...	SB 334	
Bill Strohger	...	SB 334	✓

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(Please leave prepared statement with Secretary)

NAME H. S. Hanson Bill No. SB-334
ADDRESS Holiday Motel Date 2/24
WHOM DO YOU REPRESENT? Mont. Tech. Council
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME MAURICE E. GUY Bill No. SB. 334

ADDRESS #5 BRIARWOOD L. Sault, Mont. 3/8/75

WHOM DO YOU REPRESENT? BOARD OF PROFESSIONAL ENGR. & LAND SURVEYORS

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 25, 1975

The twenty-fifth meeting of the Senate State Administration Committee was called to order by Chairman Mike Greely at 8:35 a.m. on Tuesday, February 25, 1975 in Room 410 of the State Capitol Building.

ROLL CALL: All members were present. Senator Jergeson and Senator Roskie were excused early.

DISPOSITION OF BILLS:

SENATE BILL NO. 391: Senator Jergeson made a motion that the committee adopt the Farm Bureau amendments to Senate Bill 391. There followed a lengthy discussion of amendments and the feasibility of this bill and comparisons with Senate Bill 326 and House Bill 675. Since time was running short, Chairman Greely suggested the committee take up a few other bills and then come back to Senate Bill 391 if time permitted. Senator Jergeson then withdrew his motion.

SENATE BILL NO. 334: Senator Murphy made a motion that the committee adopt the amendments (see attached) which were presented by Senator Dunkle for Senate Bill 334. The motion carried unanimously.

Senator Murphy then made a motion that Senate Bill 334 DO PASS AS AMENDED. Motion carried unanimously.

SENATE BILL NO. 347: Senator Roskie made a motion that Senate Bill 334 DO NOT PASS. The motion carried unanimously.

SENATE BILL NO. 311: Senator Rosell made a motion that Senate Bill 311 be amended as follows:

1. Amend page 1, Section 1, line 17.
Following: "30,000"
Strike: "39,000"
Insert: "33,000"

The motion carried unanimously. Senator Story then made a motion that Senate Bill 311 be amended as follows:

1. Amend page 1, Section 1, line 18.
Following: "20,500"
Strike: "26,000"
Insert: "22,000"

The motion carried unanimously. Senator Rosell made a motion that Senate Bill 311 be further amended as follows:

1. Amend page 1, Section 1, line 19.
Following: "28,000"
Strike: "36,500"
Insert: "30,000"

life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this act, who practices any branch of the profession of engineering, or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title, implies that he is a professional engineer, or that he is registered under this act, or who holds himself out as able to perform, or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering. The term does not include the work ordinarily performed by persons who operate or maintain machinery or equipment, communication lines, signal circuits, electric power lines or pipelines.

3. Amend page 5, Section 3, line 13.

Following: "Section 3. Section"

Insert: "66-2324 is renumbered 66-2349, section"

4. Amend page 15, Section 8, line 15.

Following: "registration"

Insert: "-scal"

5. Amend page 17, Section 9, lines 3 through 4.

Following: "66-2361"

Strike: ", and section 66-2341 is renumbered 66-2362"

6. Amend page 17, following line 4.

Insert: "Section 10. Section 66-2341 is renumbered 66-2362 and is amended to read as follows:

"66-2341 66-2362. Persons presently registered as civil professional engineer and/or land surveyor. No person who heretofore has been duly registered as a civil professional engineer and/or land surveyor under the laws of Montana and whose registration has not been revoked shall be required to register again under this act and his former registration shall be fully recognized under the provisions of this act. All certificates including those for engineer-in-training heretofore issued and not-revoked shall have the same force and effect as if they had been issued under the provisions of this act, and shall be subject to the same rules, terms and conditions as are the certificates provided for in this act."

Renumber: All subsequent sections.

7. Amend page 17, Section 9, line 23.

Strike: "facilities which will have public access or use"

Insert: "public buildings, water systems and storage facilities, sewerage systems, waste water disposal projects, swimming pools, recreational facilities, and similar type projects which may have a direct bearing on the public health and safety"

8. Amend page 20, Section 14, line 2.

Following: "superintendent"

Insert: "or inspection of construction work by a field manager of an engineering firm or agency"

9. Amend page 20, Section 14, following line 2.

Insert: "(3) Employees and subordinates. The work of an employee or a subordinate of a person holding a certificate of registration under this act, or an employee of a person practicing lawfully under this act; provided such work does not include final engineering or land surveying designs or decisions and is done under the direct supervision of a person holding a certificate of registration under this act or a person practicing lawfully under this act.

(4) The practice of professional engineering by licensed architects where the practice is purely incidental to their practice of architecture.

(5) The practice of professional engineering or land surveying in this state by a firm, co-partnership, corporation, or joint stock association or by its members, officers, or employees on its behalf, if each person personally supervising and in direct charge of all activities of the firm, co-partnership, corporation, or joint stock association which constitutes the practice, is a professional engineer or land surveyor holding a certificate of registration under this act."

10. Amend page 21, Section 15, lines 1 through 21.

Strike: "Subsections (3) through (5) in their entirety.

11. Amend page 21, Section 16, line 24.

Following: "66-2369."

Strike: "Construction"

Insert: "Interpretation"

12. Amend page 21, Section 16, line 24.

Following: "of"

Strike: "practical"

Insert: "practice of"

13. Amend page 21, Section 16, line 25.

Following: "practice"

Insert: "of"

AND AS SO AMENDED, DO PASS

SENATOR MIKE GREELY, Chairman

ROLL CALL

STATE ADMINISTRATION COMMITTEE

44th LEGISLATIVE SESSION - 1975

Date 2-25-75

[illegible]

SENATE COMMITTEE on STATE ADMINISTRATION

Date 2-25-75 Senate Bill No. 334 Time 9:02 a.m.

NAME	YES	NO
GREELY, Mike - Chairman	X	
MURPHY, Terry - Vice Chairman	X	
DEVINE, John W.	X	
JERGESON, Greg	X	
SEIBEL, Ann	X	
ROSELL, Antoinette Fraser	X	
ROSKIE, George F.	X	
STORY, Peter	X	

Mary Ann Fisher
Secretary

Mike Greely
Chairman

Motion: By Senator Murphy that the committee adopt the amendments
proposed by Senator Dunkle to Senate Bill 334 (see attached).

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

2-24-75
Dumble

Mr. _____

We, your committee on _____
having had under consideration SENATE Bill No. 334
respectfully report as follows: That SENATE Bill No. 334,
introduced bill, be amended as follows:

Amend page 3,
1. ~~Strike:~~ Section 3, page 3 lines 10 through *line 1 on page 4*
line 1. ~~Section 3, "Practice of engineering"~~ *"(3)"*

Insert: Section 3, "Practice of engineering " means any service or creative work, the adequate performance of which requires engineering education, training, and experience, in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, teaching of advanced engineering subjects, engineering surveys and the inspection of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of mechanical, electrical hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as maybe necessary to the planning, progress and completion of any engineering services.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this Act, who practices any branch of the profession of engineering, or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a Professional Engineer, or through the use of some other title, implies that he is a Professional Engineer, or that he is registered under this Act, or who holds himself out as able to perform, or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering. The term does not include the work ordinarily performed by persons who operate or maintain machinery or equipment, communication lines signal circuits, electric power lines or pipelines.

~~Re-numbered bill~~

STANDING COMMITTEE REPORT

Mr. _____

We, your committee on _____
having had under consideration SENATE Bill No. 334
respectfully report as follows: That SENATE Bill No. 334
introduced bill, be amended as follows:

(12.) Amend page 17 *Section 9 line 23.*
Strike: ~~line 23, Section 66-2363~~
Insert: "facilities which will have public access or use".
Insert: "public buildings, water systems and storage facilities,
sewerage systems, waste water disposal projects,
swimming pools, recreational facilities, and similar type
projects which may have a direct bearing on the public
health and safety"

(13.) Amend page 20 *Section 14,*
Insert: "or inspection of construction work by a field
manager of an engineering firm or agency".

Following: 'superintendent'

SENATE COMMITTEE on STATE ADMINISTRATION

Date 2-25-75 Senate Bill No. 334 Time 9:03 a.m.

NAME	YES	NO
GREELY, Mike - Chairman	X	
MURPHY, Terry - Vice Chairman	X	
DEVINE, John W.	X	
JERGESON, Greg	X	
SEIBEL, Ann	X	
ROSELL, Antoinette Fraser	X	
ROSKIE, George F.	X	
STORY, Peter	X	

Mary Anne Fisher
Secretary

Mike Greely
Chairman

Motion: That Senate Bill 334 DO PASS AS AMENDED.

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 25, 1975

MR. **PRESIDENT:**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **334**

Respectfully report as follows: That **SENATE** Bill No. **334**,
introduced bill, be amended as follows:

1. Amend title, page 1, line 7.
Following: "SECTIONS"
Insert: "66-2324,"
2. Amend page 3, Section 2, lines 10 through line 1 on page 4.
Following: "(3)"
Strike: lines 10 through line 1 on page 4 in their entirety
Insert: "'Practice of engineering' means any service or creative work, the adequate performance of which requires engineering education, training, and experience, in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, teaching of advanced engineering subjects, engineering surveys and the inspection of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with ~~DO NOT~~ any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of mechanical, electrical hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding

(Cont'd)

Pat Helbe, Governor's Office, stated that we presently have the Rata System. He stated that our big problem is

Dick Hume, Governor's Office, stated that the is will view this as an agency or a voter. He stated that all money comes from the citizens pocket. He further stated that the money coming into the state is the money recovered from the costs of federal grants. He stated that they try to keep out of acts relating to indirect costs of federal funds.

Bill Groff also presented testimony as a proponent. (See Attached)

SB 257 - Senator Dunkle, sponsor, stated that this is a public employees bill that does several things. He then introduced Mr. Tom Schneider, Montana Public Employees Association.

Tom Schneider stated that they had drawn up plans for the betterment of the retirement system. This was amended in the Senate and it makes five basic changes. 1) Changes the formula for computing retirement from 1/65 to 1/60. 2) Reduces the number of years necessary for a "vested right" from 10 to 5 years. 3) Corrects some language in the military service allowance section to allow employees who continue to a reserve retirement to buy active duty time if it doesn't exceed 25% of the combined total active and reserve years. 4) Provides a "catch up" increase for retirees. The 'catch up' is \$1 per month for each year of service plus \$2 per month for each calendar year retired. This will give those who have been retired the longest the largest increases. Those are the retirees who receive the smallest checks. 5) Provides for the funding to pay for the benefits. (See attached for further testimony)

George Hammond, Montana Council 9, AFSCME, AFL-CIO, stated that this bill provides the same formula for public employees as did HB 41 for the teachers, which has already been signed by the Governor. (See attached for further testimony)

Other proponents who spoke in favor of this bill were Marian Covington and Jim Wilkins. (See testimony attached)

SB 130 - The sponsor of the bill wasn't present for testimony. Dorris Dietzen, Secretary of State's Office stated that this bill sets a fee for filing of tort claimes. She stated that their office has quite a procedure to go through for these tort claims and felt it should be paid for, and not by the taxpayers. (See attached for further testimony)

Jack Crosser was present as a proponent from the Dept. of Administration.

SB 334 - Senator Dunkle, sponsor, stated that this updated the laws pertaining to professional engineers and land surveyors. He gave an amendment to the committee to consider. (See Attached Committee Report)

Mr. Hanson, a proponent, stated that this doesn't create a new Board and it will not cost the state any money. It gives the Board more authority and ties in with HB 155 for Professional Services.

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SB 135 - The committee discussed this bill and then requested it to be put into a subcommittee. They voted and decided on a subcommittee. The members of this subcommittee will be Representative Mular, Lien and Lund.

SB 130 - Representative Mular made the motion to put this bill in the Judiciary Committee. Representative Johnston seconded the motion. This motion passed unanimously.

SB 83 - Representative Mular moved that this bill be concurred in. Representative Johnston seconded the motion. This passed unanimously. Representative Mular will carry this bill on the House floor.

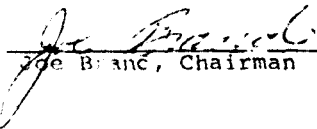
SB 84 - Representative Hageman moved that this bill do pass. Representative O'Connell seconded the motion. This passed unanimously. Representative Mular will carry this on the House floor.

SB 257 - Representative O'Connell moved that this bill be concurred in. Representative Mular seconded the motion. This passed unanimously.

SB 334 - Representative Johnston moved that the amendments be concurred in that were presented by Senator Dunkle. (see attached committee report) Representative Kanduch seconded the motion. The amendments were concurred in. Representative Johnston moved that the bill be concurred in as amended. Representative Mular seconded the motion. This passed unanimously. Representative Johnston will carry this on the House floor.

With no further business, the meeting was adjourned.

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Joe Branc, Chairman

SENATE BILL NO. 334

INTRODUCED BY DUNKLE, HEALY

(BY REQUEST OF DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL
LICENSING)

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
UPDATE LAWS RELATING TO PROFESSIONAL ENGINEERS AND LAND
SURVEYORS; AMENDING SECTION 82A-1602.11, R.C.M. 1947;
RENUMBERING SECTIONS 66-2324, 66-2329, 66-2331, 66-2332,
66-2333, 66-2334, 66-2335, 66-2337, 66-2340, 66-2344,
66-2346, R.C.M. 1947; AND REPEALING SECTIONS 66-2326,
66-2336, 66-2338, 66-2339, 66-2342, 66-2343, 66-2345, AND
66-2347, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82A-1602.11, R.C.M. 1947, is
amended to read as follows:

"82A-1602.11. Board of professional engineers and land
surveyors -- appointment -- qualifications -- removal --
term. (1) There is a board of professional engineers and
land surveyors.

(2) The board consists of seven (7) members appointed
by the governor. The members are:

(a) Five (5) professional engineers who have been
engaged in the practice of engineering for at least twelve

(12) years, and who have been in responsible charge of
engineering teaching or important engineering work for at
least five (5) years, ~~or responsible charge of engineering~~
teaching and registered in Montana for at least five (5)
years. No more than two (2) of these members may be from
the same branch of engineering.

(b) Two (2) registered and practicing land surveyors
who have been engaged in the practice of land surveying for
at least twelve (12) years, and who have been in responsible
charge of land surveying or important land surveying work
for at least five (5) years, and registered in Montana for
at least five (5) years.

(3) Each member shall be a citizen of the United
States, and a resident of this state. ~~Each newly appointed~~
~~member shall have qualifications similar to the member whose~~
~~term has expired.~~ A member ~~may not serve more than,~~ after
serving two (2) consecutive terms shall not be reappointed
for a period of two (2) years.

(4) Each member shall serve for a term of five (5)
years. The governor may remove a member for misconduct,
incompetency, neglect of duty, or for any other sufficient
cause."

Section 2. There is a new R.C.M. section numbered
66-2350 that reads as follows:

66-2350. Definitions. As used in this act:

(1) "Professional engineer" means a person who, by reason of his special knowledge and use of the mathematical, physical, and engineering sciences, and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering, and who has been duly registered and licensed as a professional engineer by the board.

(2) "Engineer-in-training" means a person who complies with the requirements for education, experience, and character, and has passed an examination in the fundamental engineering subjects, as provided in this act.

(3) ~~"Practice of engineering" means any service or creative work, as consultation, investigation, evaluation, and planning and design of engineering works requiring knowledge of the mathematical, physical, and engineering sciences; This service or work, either public or private, includes: (a) engineering performed in connection with city, county, regional, and state planning and planning for land and water use; (b) teaching of engineering subjects; (c) engineering surveys and inspection of construction for the purpose of assuring compliance with drawings and specifications; (d) design of work systems, projects, utilities, structures, buildings, machines, equipment processes, and industrial or consumer products or equipment~~

~~of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and including other professional services necessary to the planning, progress, and completion of any engineering services.~~

"PRACTICE OF ENGINEERING" MEANS ANY SERVICE OR CREATIVE WORK, THE ADEQUATE PERFORMANCE OF WHICH REQUIRES ENGINEERING EDUCATION, TRAINING, AND EXPERIENCE, IN THE APPLICATION OF SPECIAL KNOWLEDGE OF THE MATHEMATICAL, PHYSICAL, AND ENGINEERING SCIENCES TO SUCH SERVICES OR CREATIVE WORK AS CONSULTATION, INVESTIGATION, EVALUATION, PLANNING AND DESIGN OF ENGINEERING WORKS AND SYSTEMS, PLANNING THE USE OF LAND AND WATER, TEACHING OF ADVANCED ENGINEERING SUBJECTS, ENGINEERING SURVEYS AND THE INSPECTION OF CONSTRUCTION FOR THE PURPOSE OF ASSURING COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS; ANY OF WHICH EMBRACES SUCH SERVICES OR WORK, EITHER PUBLIC OR PRIVATE, IN CONNECTION WITH ANY UTILITIES, STRUCTURES, BUILDINGS, MACHINES, EQUIPMENT, PROCESSES, WORK SYSTEMS, PROJECTS AND INDUSTRIAL OR CONSUMER PRODUCTS OR EQUIPMENT OF MECHANICAL, ELECTRICAL, HYDRAULIC, PNEUMATIC OR THERMAL NATURE, INsofar AS THEY INVOLVE SAFEGUARDING LIFE, HEALTH OR PROPERTY, AND INCLUDING SUCH OTHER PROFESSIONAL SERVICES AS MAY BE NECESSARY TO THE PLANNING, PROGRESS AND COMPLETION OF ANY ENGINEERING SERVICES.

A PERSON SHALL BE CONSTRUED TO PRACTICE OR OFFER TO PRACTICE ENGINEERING, WITHIN THE MEANING AND INTENT OF THIS

1 ACT, WHO PRACTICES ANY BRANCH OF THE PROFESSION OF
 2 ENGINEERING, OR WHO, BY VERBAL CLAIM, SIGN, ADVERTISEMENT,
 3 LETTERHEAD, CARD, OR IN ANY OTHER WAY REPRESENTS HIMSELF TO
 4 BE A PROFESSIONAL ENGINEER, OR THROUGH THE USE OF SOME OTHER
 5 TITLE, IMPLIES THAT HE IS A PROFESSIONAL ENGINEER, OR THAT
 6 HE IS REGISTERED UNDER THIS ACT, OR WHO HOLDS HIMSELF OUT AS
 7 ABLE TO PERFORM, OR WHO DOES PERFORM ANY ENGINEERING SERVICE
 8 OR WORK OR ANY OTHER SERVICE DESIGNATED BY THE PRACTITIONER
 9 WHICH IS RECOGNIZED AS ENGINEERING. THE TERM DOES NOT
 10 INCLUDE THE WORK ORDINARILY PERFORMED BY PERSONS WHO OPERATE
 11 OR MAINTAIN MACHINERY OR EQUIPMENT, COMMUNICATION LINES,
 12 SIGNAL CIRCUITS, ELECTRIC POWER LINES OR PIPELINES.

13 (4) "Land surveyor" means a person who (a) has been
 14 duly registered and licensed as a land surveyor by the board
 15 and (b) is a professional specialist in the technique of
 16 measuring land, educated in the basic principles of
 17 mathematics, related physical and applied sciences, and
 18 relevant requirements of law for adequate evidence and all
 19 requisite to the surveying of real property and engaged in
 20 the practice of land surveying as herein defined.

21 (5) "Land surveyor-in-training" means a person who has
 22 qualified for, taken, and passed an examination on the basic
 23 disciplines of land surveying as provided in this act.

24 (6) "Practice of land surveying" means any service or
 25 work, the adequate performance of which requires the

1 application of knowledge of the principles of mathematics,
 2 physical sciences, applied sciences and

3 (a) the principles of property boundary law to the
 4 recovery and preservation of evidence pertaining to earlier
 5 land surveys;

6 (b) teaching of land surveying subjects;

7 (c) measurement and allocation of lines, angles, and
 8 elevations;

9 (d) location of natural and man-made features in the
 10 air, on the surface of the earth, within underground
 11 workings, and on the beds of bodies of water, including such
 12 work for the determination of areas and volumes;

13 (e) monumenting of property boundaries;

14 (f) platting and layout of lands and the subdivisions
 15 thereof, including the alignment and grades of streets and
 16 roads therein; and

17 (g) preparation and perpetuation of maps, plats, field
 18 note records, and property descriptions.

19 (7) "Board" means the board of professional engineers
 20 and land surveyors.

21 (8) "Department" means the department of professional
 22 and occupational licensing.

23 (9) "Responsible charge" means direct control and
 24 personal supervision, either of engineering work or of land
 25 surveying, as the case may be. Only professional engineers

(1) "Professional engineer" means a person who, by reason of his special knowledge and use of the mathematical, physical, and engineering sciences, and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering, and who has been duly registered and licensed as a professional engineer by the board.

(2) "Engineer-in-training" means a person who complies with the requirements for education, experience, and character, and has passed an examination in the fundamental engineering subjects, as provided in this act.

(3) ~~"Practice of engineering" means any service or creative work, as consultation, investigation, evaluation, and planning and design of engineering works requiring knowledge of the mathematical, physical, and engineering sciences, and this service or work, either public or private, includes: (a) engineering performed in connection with city, county, regional, and state planning and planning for land and water use; (b) teaching of engineering subjects; (c) engineering surveys and inspection of construction for the purpose of assuring compliance with drawings and specifications; (d) design of work systems, projects, utilities, structures, buildings, machines, equipment processes, and industrial or consumer products or equipment~~

~~of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and including other professional services necessary to the planning, progress, and completion of any engineering services.~~

"PRACTICE OF ENGINEERING" MEANS ANY SERVICE OR CREATIVE WORK, THE ADEQUATE PERFORMANCE OF WHICH REQUIRES ENGINEERING EDUCATION, TRAINING, AND EXPERIENCE, IN THE APPLICATION OF SPECIAL KNOWLEDGE OF THE MATHEMATICAL, PHYSICAL, AND ENGINEERING SCIENCES TO SUCH SERVICES OR CREATIVE WORK AS CONSULTATION, INVESTIGATION, EVALUATION, PLANNING AND DESIGN OF ENGINEERING WORKS AND SYSTEMS, PLANNING THE USE OF LAND AND WATER, TEACHING OF ADVANCED ENGINEERING SUBJECTS, ENGINEERING SURVEYS AND THE INSPECTION OF CONSTRUCTION FOR THE PURPOSE OF ASSURING COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS; ANY OF WHICH EMBRACES SUCH SERVICES OR WORK, EITHER PUBLIC OR PRIVATE, IN CONNECTION WITH ANY UTILITIES, STRUCTURES, BUILDINGS, MACHINES, EQUIPMENT, PROCESSES, WORK SYSTEMS, PROJECTS AND INDUSTRIAL OR CONSUMER PRODUCTS OR EQUIPMENT OF MECHANICAL, ELECTRICAL, HYDRAULIC, PNEUMATIC OR THERMAL NATURE, INSOFAR AS THEY INVOLVE SAFEGUARDING LIFE, HEALTH OR PROPERTY, AND INCLUDING SUCH OTHER PROFESSIONAL SERVICES AS MAY BE NECESSARY TO THE PLANNING, PROGRESS AND COMPLETION OF ANY ENGINEERING SERVICES.

A PERSON SHALL BE CONSTRUED TO PRACTICE OR OFFER TO PRACTICE ENGINEERING, WITHIN THE MEANING AND INTENT OF THIS

1 ACT, WHO PRACTICES ANY BRANCH OF THE PROFESSION OF
 2 ENGINEERING, OR WHO, BY VERBAL CLAIM, SIGN, ADVERTISEMENT,
 3 LETTERHEAD, CARD, OR IN ANY OTHER WAY REPRESENTS HIMSELF TO
 4 BE A PROFESSIONAL ENGINEER, OR THROUGH THE USE OF SOME OTHER
 5 TITLE, IMPLIES THAT HE IS A PROFESSIONAL ENGINEER, OR THAT
 6 HE IS REGISTERED UNDER THIS ACT, OR WHO HOLDS HIMSELF OUT AS
 7 ABLE TO PERFORM, OR WHO DOES PERFORM ANY ENGINEERING SERVICE
 8 OR WORK OR ANY OTHER SERVICE DESIGNATED BY THE PRACTITIONER
 9 WHICH IS RECOGNIZED AS ENGINEERING. THE TERM DOES NOT
 10 INCLUDE THE WORK ORDINARILY PERFORMED BY PERSONS WHO OPERATE
 11 OR MAINTAIN MACHINERY OR EQUIPMENT, COMMUNICATION LINES,
 12 SIGNAL CIRCUITS, ELECTRIC POWER LINES OR PIPELINES.

13 (4) "Land surveyor" means a person who (a) has been
 14 duly registered and licensed as a land surveyor by the board
 15 and (b) is a professional specialist in the technique of
 16 measuring land, educated in the basic principles of
 17 mathematics, related physical and applied sciences, and
 18 relevant requirements of law for adequate evidence and all
 19 requisite to the surveying of real property and engaged in
 20 the practice of land surveying as herein defined.

21 (5) "Land surveyor-in-training" means a person who has
 22 qualified for, taken, and passed an examination on the basic
 23 disciplines of land surveying as provided in this act.

24 (6) "Practice of land surveying" means any service or
 25 work, the adequate performance of which requires the

1 application of knowledge of the principles of mathematics,
 2 physical sciences, applied sciences and

3 (a) the principles of property boundary law to the
 4 recovery and preservation of evidence pertaining to earlier
 5 land surveys;

6 (b) teaching of land surveying subjects;

7 (c) measurement and allocation of lines, angles, and
 8 elevations;

9 (d) location of natural and man-made features in the
 10 air, on the surface of the earth, within underground
 11 workings, and on the beds of bodies of water, including such
 12 work for the determination of areas and volumes;

13 (e) monumenting of property boundaries;

14 (f) platting and layout of lands and the subdivisions
 15 thereof, including the alignment and grades of streets and
 16 roads therein; and

17 (g) preparation and perpetuation of maps, plats, field
 18 note records, and property descriptions.

19 (7) "Board" means the board of professional engineers
 20 and land surveyors.

21 (8) "Department" means the department of professional
 22 and occupational licensing.

23 (9) "Responsible charge" means direct control and
 24 personal supervision, either of engineering work or of land
 25 surveying, as the case may be. Only professional engineers

1 or land surveyors may legally assume responsible charge
2 under this act.

3 Section 3. Section 66-2324 IS RENUMBERED 66-2349,
4 SECTION 66-2329 is renumbered 66-2351, section 66-2331 is
5 renumbered 66-2352, section 66-2332 is renumbered 66-2353,
6 section 66-2333 is renumbered 66-2354, and section 66-2334
7 is renumbered 66-2355.

8 Section 4. Section 66-2335, R.C.M. 1947, is
9 renumbered 66-2356, and is amended to read as follows:

10 "~~66-2335~~ 66-2356. Roster. A roster showing the names
11 and ~~places-of-business~~ addresses of registered professional
12 engineers and registered land surveyors shall be published
13 by the department during the month of April each year.
14 Copies of this roster shall be mailed to each person
15 registered, placed on file with the secretary of state, the
16 clerk of each incorporated city and town and in the office
17 of each county clerk and recorder within the state, and
18 furnished to the public on request."

19 Section 5. There is a new R.C.M. section numbered
20 66-2357 that reads as follows:

21 66-2357. Requirements for registration. The
22 requirements for engineering and land surveying registration
23 are:

24 (1) Engineering. To be eligible for admission to
25 examination for professional engineer or

1 engineer-in-training, an applicant must be of good character
2 and reputation and submit five (5) references with his
3 application for registration as a professional engineer,
4 three (3) references shall be professional engineers with
5 personal knowledge of his engineering experience, or in the
6 case of an application for certification as an
7 engineer-in-training, by three (3) character references.

8 The following is considered minimum evidence
9 satisfactory to the board that the applicant is qualified
10 for registration as a professional engineer, or for
11 certification as an engineer-in-training respectively.

12 (a) As a professional engineer:

13 (i) Registration by endorsement. A person holding a
14 certificate of registration to engage in the practice of
15 engineering, issued to him by a proper authority of a state,
16 territory, or possession of the United States, the District
17 of Columbia, or any foreign country, based on requirements
18 that do not conflict with the provision of the act and were
19 of a standard not lower than that specified in the
20 applicable registration act in effect in this state at the
21 time the certificate was issued, may, upon application, be
22 registered without further examination.

23 A person holding a certificate of qualification issued
24 by the committee on national engineering certification of
25 the national council of engineering examiners, whose

1 qualifications meet the requirements of this act, may upon
2 application, be registered without further examination.

3 (ii) Engineering -- graduation -- experience --
4 examination. A graduate of an engineering curriculum of
5 four (4) years or more approved by the board as being of
6 satisfactory standing, and with a specific record of an
7 additional four (4) years or more of progressive experience
8 on engineering projects of a grade and character which
9 indicates to the board that the applicant may be competent
10 to practice engineering, shall be admitted to an eight-hour
11 written examination in the fundamentals of engineering, and
12 an eight-hour written examination in the principles and
13 practices of engineering. Upon passing such examinations,
14 the applicant shall be granted a certificate of registration
15 to practice engineering in this state, provided he is
16 otherwise qualified.

17 (iii) Engineering-related graduation -- experience --
18 examination. A graduate of an engineering or related
19 science curriculum of four (4) years or more, other than the
20 ones approved by the board as being of satisfactory standing
21 and with a specific record of eight (8) years or more of
22 progressive experience on engineering projects of a grade
23 and character which indicates to the board that the
24 applicant may be competent to practice engineering, may be
25 admitted to an eight-hour written examination in the

1 fundamentals of engineering, and an eight-hour written
2 examination in the principles and practices of engineering.
3 Upon passing such examinations, the applicant shall be
4 granted a certificate of registration to practice
5 engineering in this state, provided he is otherwise
6 qualified.

7 (iv) Long established practice. A graduate of an
8 engineering or related science curriculum of four (4) years
9 or more, with a specific record of twenty (20) years or more
10 of progressive experience on engineering projects of which
11 at least ten (10) years have been in charge of important
12 engineering projects, and of a grade and character which
13 indicates to the board that the applicant may be competent
14 to practice engineering, shall be admitted to an eight-hour
15 written examination in the principles and practices of
16 engineering. Upon passing such examination, the applicant
17 shall be granted a certificate of registration to practice
18 engineering in this state, provided he is otherwise
19 qualified.

20 (v) Temporary qualifications. A specific record of
21 eight (8) years or more experience in engineering work of a
22 character satisfactory to the board, and successfully
23 passing a written or written and oral examination designated
24 to show that the applicant is competent to practice
25 engineering. This requirement will automatically expire

four (4) years from the effective date of this act.

(vi) Engineering teaching in a college or university offering an approved engineering curriculum of four (4) years or more, may be considered as engineering experience in these requirements provided research, product development, or consulting has been a concurrent activity.

(b) As an engineer-in-training. The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer-in-training:

(i) Graduation and examination. A graduate of an engineering curriculum of four (4) years or more, approved by the board as being of satisfactory standing, shall be admitted to an eight-hour written examination in the fundamentals of engineering. Upon passing such examination, the applicant shall be certified or enrolled as an engineer-in-training if he is otherwise qualified.

(ii) Graduation -- experience -- examination. A graduate of an engineering or related science curriculum of four (4) years or more, other than the ones approved by the board as being satisfactory standing, and with a specific record of four (4) or more years of progressive experience on engineering projects of a grade and character, satisfactory to the board, shall be admitted to an eight-hour written examination in the fundamentals of engineering. Upon passing such examination, the applicant

shall be certified or enrolled as an engineer-in-training, if he is otherwise qualified.

(2) Land surveying. To be eligible for admission to examination for land surveyor or land surveyor-in-training, an applicant must be of good character and reputation and shall submit five (5) references with his application for registration as a land surveyor, three (3) of which references shall be registered land surveyors having personal knowledge of his land surveying experience; or in the case of an application for certification as a land surveyor-in-training, by three (3) references, one of whom shall be a registered land surveyor having personal knowledge of the applicant's land surveying experience.

The evaluation of a land surveyor applicant's qualifications involves a consideration of his education, technical, and land surveying experience, exhibits of land surveying projects of which he has been in charge, recommendations by references, and a reviewing of these categories. An interview may be held at the board's discretion. Educational credit for institute courses, correspondence courses, etc., shall be determined by the board.

One of the following shall be considered as minimum evidence to the board that the applicant is qualified for registration as a land surveyor, or for certification as a

land surveyor-in-training, respectively:

(a) As a land surveyor:

(i) Graduation -- experience -- examination. Have a bachelor of science degree in an approved curriculum and present evidence satisfactory to the board that, in addition thereto, he has had at least four (4) years of combined office and field experience in land surveying with a minimum of three (3) years of experience in charge of land surveying projects under the supervision of a registered land surveyor and who has passed the examinations as required by the board.

(ii) Formal education -- experience -- examination.

Two (2) years of formal education in an approved curriculum above high school level with at least ninety (90) quarter credit hours passed, or equivalent semester hours, or the equivalent approved by the board, and present evidence satisfactory to the board that in addition thereto, he has had at least six (6) years of combined office and field experience in land surveying with a minimum of four (4) years of experience in charge of land surveying projects under the supervision of a registered land surveyor and who has passed the examinations as required by the board.

(iii) Registration by comity or endorsement. A person holding a certificate of registration to engage in the practice of land surveying issued or comparable

qualifications from a state, territory, or possession of the United States, will be given comity consideration. However, he may be asked to take such examinations as the board deems necessary to determine his qualifications, but in any event, he shall be required to pass a written examination of not less than eight-hours duration, which shall include questions on laws, procedures, and practices pertaining to the practice of land surveying in this state.

(iv) Temporary qualifications. A specific record of six (6) years or more experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying, and successfully passing a written, or written and oral examination in land surveying prescribed by the board. This requirement will automatically expire two (2) years from the effective date of this act.

(b) As a land surveyor-in-training:

(i) Graduation -- experience -- examination. Have a bachelor of science degree in an approved curriculum and present evidence satisfactory to the board that he has had, in addition thereto, at least two (2) years of combined office and field experience in land surveying with a minimum of one (1) year in charge of land surveying projects under the supervision of a land surveyor, and who has passed the written examinations required by the board.

1 (ii) Formal education -- experience -- examination.
 2 Have at least two (2) years of formal education in an
 3 approved curriculum above high school level with at least
 4 ninety (90) quarter credit hours passed, or equivalent
 5 semester hours or the equivalent approved by the board, and
 6 present evidence satisfactory to the board that in addition
 7 thereto, he has had at least four (4) years of combined
 8 office and field experience in land surveying with a minimum
 9 of two (2) years in charge of land surveying projects under
 10 the supervision of a land surveyor, and who has passed the
 11 written examinations required by the board.

12 Section 6. Section 66-2337 is renumbered 66-2358.

13 Section 7. There is a new R.C.M. section numbered
 14 66-2359 that reads as follows:

15 66-2359. Examinations. Examination requirements are
 16 as follows:

17 (1) The examinations shall be held at times and places
 18 as the board directs. The board shall determine the
 19 acceptable grade on examinations.

20 (2) Written examinations may be taken only after the
 21 applicant has met the other minimum requirements as given in
 22 section 66-2357 and has been approved by the board for
 23 admission to the examinations as follows:

24 (a) Engineering fundamentals. Consists of an
 25 eight-hour examination on the fundamentals of engineering.

1 Passing the examination qualifies the examinee for an
 2 engineer-in-training certificate, provided he has met all
 3 other requirements for certification required by this act.

4 (b) Principles -- practice of engineering. Consists
 5 of an eight-hour examination on applied engineering.
 6 Passing this examination qualifies the examinee for
 7 registration as a professional engineer, provided he has met
 8 the other requirements for registration required by this
 9 act.

10 (c) Land surveyor-in-training. Consists of two (2)
 11 four-hour examinations designated as parts I and II, on the
 12 basic disciplines of land surveying. Passing these
 13 examinations qualifies the examinee for a land
 14 surveyor-in-training certificate, provided he has met all
 15 other requirements for certificates required by this act.

16 (d) Land surveyor. Consists of being a land
 17 surveyor-in-training and of two (2) four-hour examinations
 18 designated as parts III and IV, on the applied disciplines
 19 of land surveying. Passing these examinations qualifies the
 20 examinee for registration as a land surveyor, provided he
 21 has met the other requirements for registration required by
 22 this act.

23 (3) A candidate failing one examination may apply for
 24 reexamination, which may be granted upon payment of a fee
 25 established by the board. Before readmission to the

examination in the event of a second failure, the examinee must appear before the board with evidence of having acquired the necessary additional knowledge to qualify.

Section 8. There is a new R.C.M. section numbered 66-2360 that reads as follows:

66-2360. Certificates of registration--~~SEAL~~. (1) The department shall issue to any applicant, who, in the opinion of the board, has met the requirements of this act, a certificate of registration giving the registrant proper authority to practice his profession and to assume responsible charge of engineering or land surveying projects in this state. The certificate of registration for a professional engineer shall carry the designation "professional engineer", and for a land surveyor, "land surveyor". It shall give the full name of the registrant with his serial number and shall be signed by the chairman and the secretary under the seal of the board.

(2) This certificate shall be prima facie evidence that the person named thereon is entitled to all rights, privileges, and responsibilities of a professional engineer or land surveyor, while the said certificate of registration remains unrevoked or unexpired.

(3) Each registrant hereunder may, upon registration, obtain a seal of a design authorized by the board, bearing the registrant's name, serial number, and the legend,

"professional engineer" and/or "land surveyor". Plans, specifications, plats, and reports prepared by a registrant shall, when issued, be certified, signed, and stamped with the said seal or facsimile thereof. It shall be unlawful for a registrant to affix or permit his seal and signature or facsimile thereof to be affixed to any plans, specifications, plats, or reports after the expiration of a certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of this act.

(4) The department shall issue to any applicant, who, in the opinion of the board, has met the requirements of this act, an enrollment card as engineer-in-training or land surveyor-in-training, which indicates that his name has been recorded as such in the board office. The engineer-in-training or land surveyor-in-training enrollment card does not authorize the holder to practice as a professional engineer or land surveyor.

Section 9. Section 66-2340 is renumbered 66-2361, ~~and section 66-2341 is renumbered 66-2362.~~

SECTION 10. SECTION 66-2341, R.C.M. 1947, IS RENUMBERED 66-2362, AND IS AMENDED TO READ AS FOLLOWS:

~~"66-2341~~ 66-2362. Persons presently registered as ~~civil~~ professional engineer and/or land surveyor. No person who heretofore has been duly registered as a ~~civil~~

1 professional engineer and/or land surveyor under the laws of
 2 Montana and whose registration has not been revoked shall be
 3 required to register again under this act, and his former
 4 registration shall be fully recognized under the provisions
 5 of this act. All certificates including those for
 6 engineer-in-training heretofore issued and not revoked shall
 7 have the same force and effect as if they had been issued
 8 under the provisions of this act, and shall be subject to
 9 the same rules, terms and conditions as are the certificates
 10 provided for in this act."

11 Section 11. There is a new R.C.M. section numbered
 12 66-2363 that reads as follows:

13 66-2363. Public works. This state and its political
 14 subdivisions such as counties, cities, towns, townships,
 15 boroughs, or other political entities or legally constituted
 16 boards, commissions, or authorities, or officials or
 17 employees thereof shall not engage in the practice of
 18 engineering or land surveying involving either public or
 19 private property without the project being under the direct
 20 charge and supervision of a professional engineer for
 21 engineering projects, or land surveyor for all land
 22 surveying projects, as provided for the practice of the
 23 respective professions by this act.

24 This state and its political subdivisions such as
 25 counties, cities, towns, townships, boroughs, or other

1 political entities or legally constituted boards,
 2 commissions, or authorities, or officials or employees
 3 thereof shall not accept plans and specifications for
 4 ~~facilities which will have public access or use~~ PUBLIC
 5 BUILDINGS, WATER SYSTEMS AND STORAGE FACILITIES, SEWERAGE
 6 SYSTEMS, WASTE WATER DISPOSAL PROJECTS, SWIMMING POOLS,
 7 RECREATIONAL FACILITIES, AND SIMILAR TYPE PROJECTS WHICH MAY
 8 HAVE A DIRECT BEARING ON THE PUBLIC HEALTH AND SAFETY for
 9 approval unless they bear the seal of the professional
 10 engineer for engineering projects or the land surveyor for
 11 land surveying projects, OR LICENSED ARCHITECT FOR
 12 ARCHITECTURAL PROJECTS, as provided for the practice of the
 13 respective professions by this act.

14 Section 12. Section 66-2344 is renumbered 66-2364.

15 Section 13. There is a new R.C.M. section numbered
 16 66-2365 that reads as follows:

17 66-2365. Revocation of registration -- hearings --
 18 reissuance of certificate. (1) The board may revoke,
 19 reprimand, suspend, or refuse to renew the certificate of a
 20 registrant found guilty of:

21 (a) Fraud or deceit in obtaining a certificate of
 22 registration.

23 (b) Gross negligence, incompetency, or misconduct in
 24 the practice of engineering or land surveying as a
 25 registered professional engineer or land surveyor.

(c) A felony.

(d) Violation of rules for professional conduct for professional engineers and land surveyors adopted by the board.

(e) If a land surveyor, failure to comply with the Corner Recordation Act.

(2) Any person may make charges of fraud, deceit, gross negligence, incompetency, or misconduct against a registrant. The charges shall be made by affidavit, and subscribed and sworn to by the person making them, and filed with the department. Charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three (3) months after the date on which they were made.

(3) The board may require a registrant to take a written or oral examination, or both, in a proceeding to revoke, reprimand, suspend, or refuse to renew.

(4) If, after hearing, four (4) or more members of the board vote in favor of sustaining the charges, the board shall reprimand, suspend, refuse to renew, or revoke the certificate of registration of the registered professional engineer or land surveyor.

The board, for reasons it considers sufficient, may reissue a certificate of registration to a person whose certificate has been revoked if four (4) or more members of the board vote in favor of the reissuance. A new

certificate of registration, to replace a certificate revoked, lost, destroyed, or mutilated, may be issued by the department, subject to the rules of the board.

Section 14. Section 66-2346 is renumbered 66-2366.

Section 15. There is a new R.C.M. section numbered 66-2367 that reads as follows:

66-2367. Exemption clause. The following are exempt from coverage under this act:

(1) The practice of any other legally recognized professions or trades.

(2) The mere execution of work by a contractor, as distinguished from its planning or design or the supervision of the construction of work as a foreman or superintendent, ~~OR--INSPECTION-OF-CONSTRUCTION-WORK-BY-A-FIELD-MANAGER-OF-AN-ENGINEERING-FIRM-OR-AGENCY.~~

(3) EMPLOYEES AND SUBORDINATES. THE WORK OF AN EMPLOYEE OR A SUBORDINATE OF A PERSON HOLDING A CERTIFICATE OF REGISTRATION UNDER THIS ACT, OR AN EMPLOYEE OF A PERSON PRACTICING LAWFULLY UNDER THIS ACT; PROVIDED SUCH WORK DOES NOT INCLUDE FINAL ENGINEERING OR LAND SURVEYING DESIGNS OR DECISIONS AND IS DONE UNDER THE DIRECT SUPERVISION OF A PERSON HOLDING A CERTIFICATE OF REGISTRATION UNDER THIS ACT OR A PERSON PRACTICING LAWFULLY UNDER THIS ACT.

(4) THE PRACTICE OF PROFESSIONAL ENGINEERING BY LICENSED ARCHITECTS WHERE THE PRACTICE IS PURELY INCIDENTAL

TO THEIR PRACTICE OF ARCHITECTURE.

(5) THE PRACTICE OF PROFESSIONAL ENGINEERING OR LAND SURVEYING IN THIS STATE BY A FIRM, CO-PARTNERSHIP, CORPORATION, OR JOINT STOCK ASSOCIATION OR BY ITS MEMBERS, OFFICERS, OR EMPLOYEES ON ITS BEHALF, IF EACH PERSON PERSONALLY SUPERVISING AND IN DIRECT CHARGE OF ALL ACTIVITIES OF THE FIRM, COPARTNERSHIP, CORPORATION, OR JOINT-STOCK ASSOCIATION WHICH CONSTITUTES THE PRACTICE, IS A PROFESSIONAL ENGINEER OR LAND SURVEYOR HOLDING A CERTIFICATE OF REGISTRATION UNDER THIS ACT.

Section 16. There is a new R.C.M. section numbered 66-2368 that reads as follows:

66-2368. Issuance of temporary permits. Temporary permits are governed by the following:

(1) Professional engineer. The practice or offer to practice engineering by a person not a resident of or having no established place of business in this state, provided such person is legally qualified by registration to practice engineering in his own state or country, provided the requirements for registration in his home state or country are not less than those defined in this act. Such person shall make application to the board in writing. The application must be accompanied by a fee set by the board. Upon approval by the board, they may be granted a written permit for a definite period of time not to exceed one (1)

year to do a specific job, provided, however, no right to practice engineering shall accrue to such applicant with respect to any other works not set forth in said permit.

(2) Land surveyor. The practice of land surveying under a temporary permit by a person registered as a land surveyor in another state is not considered to be in the best interests of the public and, therefore, shall not be granted.

~~(3)--Employees--and--subordinates,---The--work--of--an employee--or--a--subordinate--of--a--person--holding--a--certificate of--registration--under--this--act,--or--an--employee--of--a--person practicing--lawfully--under--subsection--(1)--of--this--section, provided--such--work--does--not--include--final--engineering--or land--surveying--designs--or--decisions--and--is--done--under--the direct--supervision--of--a--person--holding--a--certificate--of registration--under--this--act--or--a--person--practicing--lawfully under--subsection--(1)--of--this--section.~~

~~(4)--The--practice--of--professional--engineering--by licensed--architects--where--the--practice--is--purely--incidental to--their--practice--of--architecture.~~

~~(5)--The--practice--of--professional--engineering--or--land surveying--in--this--state--by--a--firm,--copartnership, corporation,--or--joint--stock--association--or--by--its--members, officers,--or--employees--on--its--behalf,--if--each--person personally--supervising--and--in--direct--charge--of--all~~

~~activities-of-the-firm,-copartnership,-corporation,-or-joint
stock--association--which--constitutes--the--practice--is-a
professional-engineer-or-land-surveyor-holding-a-certificate
of-registration-under-this-act.~~

Section 17. There is a new R.C.M. section numbered 66-2369 that reads as follows:

66-2369. ~~Construction~~ INTERPRETATION of ~~practical~~
PRACTICE OF engineering and practice OF land surveying. (1)

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this act, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer or that he is registered under this act; or who holds himself out as able to perform, or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

(2) Any person shall be construed to practice or offer to practice land surveying within the meaning and intent of this act, who engages in land surveying or who by verbal claim, sign, letterhead, card, or in any other way represents himself to be a land surveyor, or through the use of some other title implies that he is a land surveyor, or

who represents himself as able to perform, or who does perform any land surveying service or work, or any other service designated by the practitioner which is recognized as land surveying.

Section 18. Repealer. Sections 66-2326, 66-2336, 66-2338, 66-2339, 66-2342, 66-2343, 66-2345, and 66-2347, R.C.M. 1947, are repealed.

-End-